



Report 11.40  
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Committee Council  
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## **Establishment of a committee to consider a Restricted Coastal Activity application**

### **1. Purpose**

To recommend the establishment of a committee to consider an application to undertake a Restricted Coastal Activity.

### **2. Background**

In 1994 Horokiwi Quarries Ltd was granted resource consents for gravel extraction in Fitzroy Bay, Pencarrow.

Horokiwi Quarries Ltd is now seeking to renew its resource consent from Hutt City Council (HCC) and Greater Wellington to continue to extract up to 17,500 cubic metres of commercially saleable sand and gravel material annually from above and below the Mean High Water Springs mark of Fitzroy Bay, Pencarrow.

The application was received by Greater Wellington on 9 October 2008 and jointly publically notified with HCC on 13 June 2009.

### **3. Restricted Coastal Activity**

The coastal permit application lodged by Horokiwi Quarries Limited constitutes a Restricted Coastal Activity (RCA) application as it involves the disturbance, deposition and extraction of sand over an area greater than 1000 metres (Rule 37 of the Regional Coastal Plan for the Wellington Region).

### **4. Legal requirements**

From 1 October 2009 the provisions the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (the RMSSAA) changed the requirements in relation to the consideration of Restricted Coastal Activity applications; such applications may now be heard and decided by a single commissioner or a panel of commissioners, including one person nominated by the Minister of Conservation.

However, because the application was received and publicly notified prior to the RMSSA coming into effect, the RMSSA requires that the application be dealt with under the statutory provisions of the Resource Management Act 1991 that existed prior to the RMSSA coming into effect; those provisions require the Council to establish a committee to consider the application and to make a recommendation to the Minister of Conservation. The committee must comprise at least three members, one of whom must be an elected member of the Wellington Regional Council and one of whom must be appointed by the Minister of Conservation.

## 5. Proposed committee members

It is proposed that Christine Foster be appointed to chair the committee. Christine Foster has over 20 years experience as a resource management planner working in local and central government. She has been the chair of a number of recent resource consent hearings, including the hearing into the Greater Wellington application relating to the Boulcott Stopbanks.

It is proposed that Councillor Chris Laidlaw be the Councillor member on the committee.

The Minister of Conservation has selected Byrdie Ayres as the Minister's appointee for this application. Byrdie Ayres has significant experience in coastal planning.

All three proposed committee members are certificated under the RMA Making Good Decisions Programme.

Christine Foster is also being appointed by HCC to hear the related application that falls within the scope of the City of Lower Hutt District Plan.

## 6. Recommendations

*That the Council:*

1. ***Receives*** the report.
2. ***Resolves*** to establish the Restricted Coastal Activity Committee for coastal permit application 27250 for Horokiwi Quarries Limited, with the authority to exercise any of the powers and duties referred to in section 117(6) of the Resource Management Act 1991, being the powers and duties that applied prior to the commencement of the Resource Management (Simplifying and Streamlining) Act 1991.
3. ***Appoints*** Christine Foster and Cr Chris Laidlaw as members of the Committee and appoints Christine Foster as Chair.
4. ***Notes and confirms*** the appointment of Byrdie Ayres as a member of the Committee, being the Minister of Conservation's appointee.
5. ***Adopts*** the terms of reference as set out in Attachment 1 to this report.

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